



DEPARTMENT OF TRANSPORTATION
HAZARDOUS MATERIALS REGULATIONS BOARD
WASHINGTON, D.C. 20590

43091

[Docket No. HM-103; Notice No. 73-10A]

Notice of Public Hearing → **TRANSPORTATION OF HAZARDOUS MATERIALS**
Hazard Information System and Miscellaneous Proposals

On January 24, 1974, the Hazardous Materials Regulations Board ("the Board") issued a notice of proposed rule making in the FEDERAL REGISTER (39 FR 3164; Notice No. 73-10) under Docket HM-103 entitled "Hazard Information System and Miscellaneous Proposals." The final date for filing written comments was specified as October 3, 1974, following publication of two notices granting extensions of time to prepare and submit original or additional comments.

The comments received by the Board on its proposals, and placed in the Public Docket, represent many diverse points of view indicating support, partial support, or in some cases essentially total nonsupport for the proposals contained in the Notice. Two major areas are the subject of the majority of the comments—the proposed placarding requirements and the proposed shipping paper requirements.

Placarding—Many commenters object to the placarding requirements proposed to implement the Hazard Information System. In general, they claim the proposal (1) is too complex; (2) will increase the likelihood of the commission of errors by persons required to carry out the proposed requirements; (3) is unjustified based on experience; (4) does not take into account the cost of implementation; (5) does not fulfill the needs of the fire service as well as the system identified as NFPA 704M would; and (6) is insufficient because reliance is placed on a secondary source for complete information on the hazards presented.

Shipping Papers. Many commenters also object to the Board's proposals pertaining to the preparation of shipping papers. The majority of the comments fall into four basic categories: (1) interference with the use of such documents for economic purposes such as the entry of a freight classification description; (2) conflict with automated billing and document processing system; (3) the proposed requirements are confusing and unnecessary; and (4) the requirements pertaining to the listing of hazardous materials first should be set forth in the regulations as a "recommended practice" and not as a mandatory requirement.

While the Board has not considered in full detail all of the voluminous comments submitted, and has not made any determination as to its acceptance or nonacceptance of the points raised in opposition to its proposals, several sugges-

tions have raised a sufficient concern at this stage of the rulemaking process to warrant further input by interested persons on alternate proposals.

Following his statement of support for the comments submitted by the American Trucking Associations, Inc., the safety director of a motor carrier stated the following:

As an individual, I would like to comment further on Docket HM-103 part 172.200 (shipping papers). I strongly believe that the simplest and most errorless system for dealing with hazardous materials would be to require a separate and individual bill of lading for hazardous material shipments. The bill of lading should be titled "Hazardous Materials Bill of Lading", be distinct in color, and be used solely for hazardous materials shipments. I am aware that these could present problems in other areas of the industry regarding rates and tariffs, etc., however, from a safety point of view, I strongly believe it would be the best method.

This comment and other comments, such as those submitted by the Association of American Railroads pertaining to the information obtainable from shipping papers, has led the Board to consider the following which will be considered a part of this rulemaking proceeding under Docket HM-103.

The Board proposes publication of a standardized form which would be entitled "Hazardous Materials Manifest" (HMM) or some similar title. Under consideration will be one HMM for hazardous materials generally, and one for radioactive materials due to the specialized information required. Required entries on the form would be:

- (1) The name and address of the shipper.
- (2) Shipping point.
- (3) Destination.
- (4) Consignee.
- (5) Quantity of material(s) (as appropriate).
- (6) Shipping name of material(s) as specified in § 172.101.
- (7) Classification(s).
- (8) Hazard information reference number.
- (9) Other information required by the regulations.
- (10) Shipper's certificate.
- (11) Signature of shipper or his representative (agent).

Other entries to be considered although possibly not as mandatory entries, except in certain cases are:

- (1) A cross reference to other shipping documents (if any).
- (2) Vehicle identification number (possibly for bulk shipments only).
- (3) Name of carrier(s).
- (4) Signature of recipient.
- (5) Date and time of delivery.

On the reverse of the HMM would be a listing of the hazard information reference numbers in sequence and an indication of their meaning. Also, the phone number of Chemtrec would be conspicuously displayed to facilitate the obtaining of further assistance when

needed. Other information or instructional material could be provided by shippers by their utilization of certain numbers (such as 90-99) on an optional basis or as required by another agency; i.e., "Cancer-Suspect Agent." The border of the HMM would be highlighted by diagonal red stripes to emphasize its presence. It is proposed that the HMM would be prepared in triplicate, a copy to be retained by the shipper, a copy to be retained by the originating carrier, and a copy to accompany the shipment as proposed in Notice 73-10.

A number of factors will be considered anew or considered further by the Board including (1) the advantages to be gained or lost in placing greater emphasis on documents moving with hazardous materials with no requirement that hazard information numbers be displayed on labels and placards, except possibly for bulk shipments (more than 110 gallons per container); (2) the potential for elimination of confusion and conflicts at the shipper-carrier interface; and (3) the potential for improving the communication of different hazards to both transportation workers and emergency personnel by implementation of a standardized documentation system intended for safety purposes only.

The Board believes there is merit in placing greater emphasis on a document having a standardized format since (1) there would be no confusion or conflict with entries on documents which are used for commercial purposes and to comply with the economic requirements of other agencies such as the Interstate Commerce Commission; (2) its purpose would be for compliance with safety regulations and the communication of safety information (3) it would be prepared by the shipper—the person who must know the characteristics of the materials he is shipping; (4) potential

errors would be minimized since little or no information would have to be transferred to other documents; (5) hazard information reference information would be preprinted on the reverse of the HMM being always present on the document when needed. The Board is aware that this proposal involves increased cost to shippers since they would be required to purchase and execute forms that do not exist at present. This factor will be fully considered by the Board before the conclusion of the rulemaking action under this Docket.

To develop a full and complete record concerning the proposals made in Notice 73-10 and above, the Board will hold an informal public hearing beginning at 9:30 a.m. on February 11, 1975 in Washington, D.C. Any person desiring to make an oral presentation at the hearing is requested to notify the Board's Secretary on or before January 8, 1975 stating the approximate time he will need to make his presentation. Additional information about the conduct of the hearing and its location will be announced in the *FEDERAL REGISTER* during the last week of January 27, 1975.

The Board will also accept written or oral comments from those persons who are the proponents of other methods pertaining to the communication of hazards. If the proponents intend to make a presentation at the hearing, it is requested that they illustrate how they would have their proposals integrated into the regulatory structure of the Department's hazardous materials regulations.

The Board proposes to adopt all or part of the draft revision of Appendix A to Compressed Gas Association, Inc. (CGA) Pamphlet C-7 dated July 1974. The draft revision, entitled "CGA Marking System for Compressed Gas Cylinders," was submitted to the Board for its consideration on August 26, 1974 in response to the

statement in the preamble of Notice 73-10 as to why no date was provided in the incorporation reference in proposed § 172.400(a)(2)(iii). The Board believes the draft revision submitted by CGA warrants adoption, except for those adjustments necessary for consistency with other requirements adopted by the Board under this rulemaking proceeding. A copy of the draft revision is available for examination at the address specified below and at the Offices of CGA located at 500 Fifth Avenue, New York City, New York.

Interested persons not desiring to make oral presentations are invited to give their views in writing on the original proposals as amended by this Notice. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, Washington, D.C. 20590. Communications received on or before March 7, 1975 will be considered before final action is taken on these proposals. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, room 6215 Trans Point Building, Second and V Streets SW., Washington, D.C., both before and after the closing date for comments.

(Transportation of Explosives Act (18 U.S.C. 831-835) section 6 of the Department of Transportation Act (49 U.S.C. 1655); Title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h), and 1655(c))

Issued in Washington, D.C. on December 4, 1974.

W. J. BURNS,
Director, Office of
Hazardous Materials.

[FR Doc.74-28720 Filed 12-9-74; 8:45 am]

FEDERAL REGISTER, VOL. 39, NO. 238—TUESDAY, DECEMBER 10, 1974

11663

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
Washington, D.C. 20590

Official Business

PENALTY FOR PRIVATE USE, \$300

POSTAGE AND FEES PAID
DEPARTMENT OF
TRANSPORTATION
DOT 518

